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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LARRY BOWOTO, et. al.

Plaintiffs,

v.

CHEVRON CORPORATION, et al.,

Defendants.

Case No. C-99-2506-SI

**JOINT STIPULATION AND [PROPOSED]
ORDER RE BRIEFING SCHEDULE AND
HEARING DATE**

1 WHEREAS, plaintiffs filed Judith Brown Chomsky's Rule 1006 Summary in Support of
2 Plaintiffs' Opposition to Defendants' Motion to Dismiss for Failure to State a Claim on Which
3 Relief Can Be Granted, or, in the Alternative, Summary Judgment, and for a Determination of
4 the Applicable Law (filed January 27, 2006) ("Summary") on January 31, 2006;

5 WHEREAS defendants are moving to strike the Summary and submitting objections to
6 it on February 10, 2006;

7 WHEREAS both parties agree Defendants' Motion to Strike the Summary should be
8 heard at the same time as Defendants' Motion to Dismiss for Failure to State a Claim on Which
9 Relief Can Be Granted, or, in the Alternative, Summary Judgment, and for a Determination of
10 the Applicable Law, which is February 24, 2006 and

11 THE PARTIES HEREBY STIPULATE THAT:

12 1. Defendants will submit their Motion to Strike and Objections to the Summary, and
13 any declarations or other documents filed in support of that motion, on February 10, 2006;

14 2. Defendants will served Judith Chomsky by e-mail with any of the documents
15 identified in Paragraph 1 that are not electronically filed, if any;

16 3. Plaintiffs' Opposition to the Motion to Strike will be filed on Friday, February 17,
17 2006;

18 4. Defendants will file their Reply in Support of the Motion to Strike on Tuesday,
19 February 21, 2006.

20 5. The Motion to Strike will be heard concurrently with Defendants' Motion to Dismiss
21 for Failure to State a Claim on Which Relief Can Be Granted, or, in the Alternative, Summary
22 Judgment, and for a Determination of the Applicable Law, on February 24, 2006.

23 6. To the extent that Defendants file evidence with their Reply in support of their Motion
24 to Dismiss for Failure to State a Claim on Which Relief Can Be Granted, or, in the Alternative,
25 Summary Judgment, and for a Determination of the Applicable Law, which evidence Plaintiffs
26 contend should have been filed, if at all, with Defendants' moving papers, Plaintiffs reserve the
27 right to seek a new hearing schedule that would allow Plaintiffs to file and brief a motion to strike
28 such evidence and raise objections to it, that could be heard at the same time as Defendants'

1 Motions to Dismiss and to Strike, and/or to seek an order continuing the hearing to allow
2 Plaintiffs to file a supplemental opposition to defendants' newly submitted evidence.

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4 DATED: February 10, 2006

JONES DAY

5 By: _____
6 Caroline N. Mitchell
7 Attorneys for Defendants

8 DATED: February 10, 2006

LAW OFFICES OF JUDITH BROWN CHOMSKY

9 By: _____
10 Judith Brown Chomsky
11 Attorneys for Plaintiffs

12 IT IS SO ORDERED.

13 DATED: February ¹³____, 2006

14 By:  _____
15 The Hon. Susan Illston
16 United States District Court Judge
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